HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 5808 of 2007

DATED: 23-03-2007

Between:

Smt Buma Bramaramba

…Petitioner

and

The Deputy Tahsildar,
Civil Supplies Department,
Podili, Prakasam District and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 5808 of 2007

ORAL ORDER:

1583.96 quintals of Raw Red Gram and 879.00 quintals of Red Grams under process towards conversion into Dal belonging to the petitioner was seized on 15-2-2007 from the premises of BPL Dal Producers Mill, Darsi Road, Podili, on allegation of contravention of the A.P. Schedule Commodity Dealers (Licensing and Distribution) Order, 1982 (for short 'the control order, 1982') and consequently the provisions of the Essential Commodities Act, 1955 (for short 'the Act'). The premises was inspected by the Civil Supplies officials of Nellore and the aforementioned quantities of the schedule commodities were found stored. By an order dated

3-3-2007 the 3rd respondent, exercising power and authority under Section 6-A (2) of the Act directed interim disposal of the seized commodities on the ground that such disposal is expedient in the larger public interest to make available the commodities at a reasonable and fair price to the public and for curtailing hoarding in pulses. Thereafter, on 5-3-2007 the petitioner submitted an application to the 3rd respondent for interim release of the seized commodities in her favour, but no orders have yet been passed by the 3rd respondent on this application.

Earlier, the petitioner filed W.P.No.4977 of 2007 along with BPL Dal Producers, apprehending an order of interim disposal and specifically challenging the seizure. During the course of admission

hearing of that writ petition, it was brought to the notice of this Court that the District Collector concerned (3rd respondent herein) had passed an order dated 3-3-2007 directing interim disposal of the seized commodities under Section 6-A (2) of the Act. This Court by the judgment dated 12-3-2007 in the said writ petition found that the order of interim disposal passed by the District Collector was impeccable and they are not liable to be interfered with. The writ petition was accordingly dismissed.

The petitioner has now filed this writ petition stating that notwithstanding the upholding by this Court of the order of the interim disposal in W.P.No. 4977 of 2007, the District Collector is required to pass a considered order on the petitioner's application for interim release of the seized commodities to the petitioner's custody. This contention does not merit acceptance. Once an order for interim disposal is passed, by implication no application for interim release of the seized commodities in favour of the owner or the dealer of the schedule commodities could be ordered. As the order of interim disposal has been upheld in W.P.No.4977 of 2007, the petitioner is not entitled to any relief in this writ petition. If the petitioner succeeds in the case initiated against her under Section 6-A of the Act, the petitioner would be entitled to the amount representing the sale proceeds of the seized commodities pursuant to the order of interim disposal. The 3rd respondent had directed the interim disposal of the seized commodities by way of public auction under Section 6-A(2)(ii) of the Act. The 3rd respondent shall ensure that the sale of seized commodities shall be only by public auction as directed in his order and the proceeds of such sale shall be credited to the appropriate account for eventual disposal in accordance with the final orders to be passed under Section 6-A of the Act.

The writ petition is dismissed with the above directions. There shall be no order as to costs.

GODA RAGHURAM, J

23-03-2007
Copy as soon as possible
/B.O/
GRR